

# **EXHIBIT V**



**O'MELVENY & MYERS LLP**

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June 9, 2008

**VIA E-MAIL AND U.S. MAIL**

Donn P. Pickett, Esq.  
Bingham McCutchen LLP  
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OUR FILE NUMBER  
008,346-163

WRITER'S DIRECT DIAL  
(213) 430-6230

WRITER'S E-MAIL ADDRESS  
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**Re: AMD v. Intel**

Dear Donn:

Attached are the promised AMD litigation hold chart, and the March 11, 2005 litigation hold notice. As to the chart, the second column lists the date on which the litigation hold notice was sent to the custodian. The third column lists the date that was on the written hold notice delivered to the custodian.

Sincerely,

David L. Herron  
of O'MELVENY & MYERS LLP

# **EXHIBIT W**

Conference

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES, INC., :  
a Delaware corporation, and :  
AMD INTERNATIONAL SALES & :  
SERVICE, LTD., a Delaware :  
corporation, :  
Plaintiffs, : Civil Action  
: No. 05-441-JJF  
vs. :  
INTEL CORPORATION, a Delaware :  
corporation, and INTEL :  
KABUSHIKI KAISHA, a Japanese :  
corporation, :  
Defendants. : MDL NO. 05-1717-JJF  
IN RE INTEL CORPORATION :  
MICROPROCESSOR ANTITRUST :  
LITIGATION :  
PHIL PAUL, on behalf of :  
himself and all other :  
similarly situated, : Civil Action  
Plaintiffs, : No. 05-485-JJF  
vs. :  
INTEL CORPORATION, :  
Defendant. :

A status conference was taken  
before The Honorable Vincent J. Poppiti on Thursday,  
May 24, 2007, beginning at approximately 11:00 a.m.

Gail Inghram Verbano, CSR, RMR, CLR  
CORBETT & WILCOX  
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Conference

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1 Attorneys for the Class Plaintiff:

2 Brent W. Landau, Esq.  
3 COHEN, MILSTEIN, HAUSFELD & TOLL

4 James L. Holzman, Esq.  
5 PRICKETT JONES & ELLIOTT

6 Attorneys for AMD:

7 Frederick L. Cottrell, III, Esq.  
8 Steven Fineman, Esq.  
9 RICHARDS LAYTON & FINGER

10 Chuck Diamond, Esq.  
11 Mark Samuels, Esq.  
12 James Pearl, Esq.  
13 David Herron, Esq.  
14 O'MELVENY & MYERS

15 Attorneys for Intel:

16 W. Harding Drane, Esq.  
17 POTTER ANDERSON & CORROON LLP

18 Robert Cooper, Esq.  
19 Daniel Floyd, Esq.  
20 Kay Kochenderfer, Esq.  
21 Richard Levy, Esq.  
22 BINGHAM, McCUTCHEN

23 ALSO PRESENT:

24 Beth Ozmun, Esq.  
Advanced Micro Devices

Mary Mullaney, Esq.  
BLANK ROME

Eric Friedberg,  
Jennifer Martin  
STROZ, FRIEDBERG, LLC

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1 everything and outside counsel is preserving  
2 everything that I expect that AMD is looking for.

3 MR. COOPER: I think that is a fair  
4 statement of what we are doing, Your Honor.

5 Now, I can't say that -- we've  
6 focused on outside counsel prior to this recent  
7 dustup, but I don't think there is any reason to  
8 think that anything has been lost.

9 I would make a simple point,  
10 though, that we are involved in coping with the  
11 retention issue, as outside counsel. And it's  
12 obvious now that we're going to be engaged in the  
13 defense of Intel, not only on the merits but also  
14 with respect to what is going to be a series of  
15 attacks involving retention. So we have no choice  
16 but to insist on the privilege as outside counsel,  
17 and we intend to do so.

18 JUDGE POPPITI: I understand.

19 MR. COOPER: And I think that  
20 should be clear from the outset.

21 JUDGE POPPITI: I understand that.  
22 And I expect that that issue may be joined, and it  
23 may have to be joined sooner than later.

24 MR. COOPER: Now, one thing I did

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1 ask for in -- the email I sent, by the way, I  
2 literally was finishing it when I got the letter that  
3 was sent to your court. I immediately sent the email  
4 on as written. I notice I had a typo in it, even.

5 But in that email, I also made the  
6 point that if AMD intends to insist on this  
7 condition, we think they should reciprocate  
8 similarly. Because although they tell us that they  
9 did not have an auto delete function, we know that  
10 they were looking at this lawsuit at least as early  
11 as March of 2005, months before it was filed.

12 And we will be very interested in  
13 the preservation activities that they put in place  
14 and how effective they were with respect, in  
15 particular, to those early months, which are quite  
16 important to us. Because our defense, in many  
17 respects, is based on the fact that AMD is  
18 responsible for its own failures in the marketplace  
19 by reason of its ineffective marketing, its poor  
20 products and its failure to execute in terms of being  
21 able to deliver product.

22 That was part of the email I sent,  
23 and I would hope that AMD would give us the same  
24 assurance insofar as it is concerned.

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1 MR. SAMUELS: Your Honor, may I  
2 address that? It's Mark Samuels.

3 JUDGE POPPITI: Please,  
4 Mr. Samuels.

5 MR. SAMUELS: Intel is apparently  
6 subscribing now to the school that the best defense  
7 is a strong offense.

8 After Intel came forward six months  
9 after discovery of its problems and revealed what may  
10 be the most massive document preservation failure of  
11 all time, we get a lengthy letter from Mr. Cooper  
12 asking us all sorts of intrusive questions, many of  
13 them seeking plainly privileged information about  
14 AMD's own document preservation program.

15 The letter was clearly intended, by  
16 Mr. Cooper, to deflect attention from Intel's own  
17 shortcomings that had been just recently been  
18 revealed.

19 We responded promptly, told  
20 Mr. Cooper in no uncertain terms that we are unaware  
21 of any systemic failure or lapse of AMD's  
22 preservation plans or efforts. We have  
23 double-checked. That remains the case today.

24 There is absolutely no basis for



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1 concern on Intel's part about AMD's document  
2 preservation activities. There has been no privilege  
3 waiver on our part, and there is no reasonable cause  
4 to think that AMD has been derelict in the slightest.

5 If Mr. Cooper has some basis, he  
6 can come forward with it. But in the meantime, we  
7 don't believe it's reasonable or appropriate to ask  
8 AMD outside counsel to undertake a preservation  
9 program with respect to their documents on this sort  
10 of tit-for-tat basis.

11 There's no issue as to them. There  
12 is no reasonable cause, and we regard it as  
13 unreasonable and burdensome and simply a sideshow.

14 JUDGE POPPITI: Let me just say  
15 this: My focus, by virtue of what Intel brought to  
16 the Court's attention, is to focus on the process  
17 that we established to make every effort to  
18 understand what was supposed to have occurred with  
19 document preservation; of what the process was in  
20 that respect; what went wrong; why it went wrong;  
21 what impact that may have had ultimately on documents  
22 that were not preserved; what, if any, remediation  
23 program may put everyone in the position of saying,  
24 We have full faith and confidence in what has been

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1 preserved; make a judgment if it's appropriate at  
2 some point that it is either -- it's enough or it's  
3 not enough; make some judgment at some point if it's  
4 appropriate as to whether we should be proceeding to  
5 consider a sanction.

6 But it is all Intel-focused. There  
7 is nothing in this record that would suggest to me  
8 that I should be focused on the document retention  
9 activity of AMD. And I do not intend to get  
10 sidetracked unless there is a reason to turn my  
11 attention to that or a reason why I should be paying  
12 attention to both.

13 At this juncture, it is  
14 Intel-focused, and that's what I intend to continue  
15 to do unless there is cause for me to do otherwise.

16 MR. SAMUELS: Mark Samuels, Your  
17 Honor. Thank you.

18 May I address the point Mr. Cooper  
19 made concerning the subpoenas that we were forced to  
20 serve on his firm and on the Howrey firm the other  
21 night?

22 JUDGE POPPITI: Well, I want --  
23 what I -- the answer is of course at some juncture  
24 during the course of this teleconference today. But